

Remarks/Arguments

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

By the present amendment claim 1 has been amended, claim 8 has been cancelled, and new claim 22 has been added. Claims 5-7, 9, and 12-21 are withdrawn. Hence, claims 1-4, 10, 11 and 22 are pending in the application.

Specification Objection

The Examiner objected to the disclosure due to several informalities. The specification has been amended to correct these informalities.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 1-4, 10, and 11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,131,384 to Obagi (hereinafter ‘Obagi’) in view of U.S. Patent No. 3,870,419 to Sage (hereinafter ‘Sage’). It is respectfully submitted that as amended, claim 1 patentably defines over Obagi in view of Sage, and is therefore allowable.

As amended, claim 1 recites an apparatus for use in applying lotion to at least a portion of a body of an individual using the apparatus, the apparatus comprising a lotion dispensing section, a first handle connected with a first end portion of the lotion dispensing section, and a second handle connected with a second end portion of the lotion dispensing section. The lotion dispensing section includes a reservoir to hold lotion and a plurality of rollers which are rotatable relative to the lotion dispensing section, each of the rollers having an inner portion exposed to the lotion in the reservoir and an outer portion which is engageable with the body of the individual using the apparatus. The reservoir is compressible to allow lotion dispensing regardless of orientation. The first and second

handles are manually movable by the individual using the apparatus to roll the rollers along the body of the individual.

Obagi teaches a lotion dispensing apparatus having a reservoir 18 for holding lotion 20 to be dispensed by applicator balls 8 (Fig. 3). The rollers can be seated within spherical recesses 36 formed in the surface 34 opposite the chamber 18 on plate 26 (Col. 3, lines 23-26). The recesses 36 may be in any convenient pattern which provides for free rotation of the balls 8, each of which is seated in a separate recess 36, and keeps them from interfering with each other (Col. 3, lines 29-32). There is at least one conduit 38 providing fluid communication for liquid 20 between chamber 18 and recess 36 (Col. 3, lines 41-43). Each of the balls 8 will be seated in its recess 36 such that it may rotate freely with a small amount of clearance 42 such that the fluid 20 may flow across the surface of recess 36 and be in contact with the surface of ball 8. In order to enhance pickup of liquid 20 by the surface of ball 8, the ball surface may be textured, as with grooves 35 as shown in Fig. 7 (Col. 4, lines 36-42). The normal use of the device will be positioned with the balls 8 facing generally downward, as illustrated in Fig. 3 (Col. 2, lines 44-46). Thus, when the device is used and the balls 8 are forced inwardly toward plate 26 by the weight of the device and the pressure of the user's hand, fluid 20 on the surface of the balls 8 can be carried outwardly on the surface of each ball 8 and into contact with the user's skin (Col. 4, line 66 - Col. 5, line 3). Thus, the force of gravity is required to keep the fluid 20 within chamber 18 in contact with conduits 38 to supply fluid to the balls 8. The device 2 can only work when the balls 8 are facing downward (Fig. 3), for if the device 2 is tipped too far to one side or turned until the balls 8 face 'up', there is no way to meter the fluid through the balls 8 because there is no force that can be applied to the fluid to urge it through conduits 38 other than gravity because

the reservoir 4, plate 26, and retainer 6 are made of aluminum, stainless steel, hard plastic, or a hard rubber (Col. 5, lines 12-15). These materials are non-deformable and thus cannot apply a force upon the fluid during application. Therefore, there is no way to apply an upward or sideways force to the fluid 20 within the reservoir 4 in the Obagi device. Hence, Obagi does not teach a “reservoir that is compressible to allow lotion dispensing regardless of orientation”, as recited in amended claim 1.

The teachings of Sage do not cure the deficiencies of Obagi. Sage teaches an applicator 10 that utilizes a lotion bottle 32 that discharges lotion via perforations 36 being formed in one face of the bottle 32 and being in an indexed relationship respective to apertures 22 of one face of the back scrubber (Col. 3, lines 31-36). The bottle is inserted into the chamber by forcibly inserting the neck 38 through the deformable slot 24 with the neck continuing through the chamber until it is placed in registry with the port 20 so that the perforations in wall 44 are placed in indexed relationship respective of apertures 22. The lotion treats the user's back by flowing through small perforations 36, through the apertures 22, and onto one's back (Col. 4, lines 7-15). Sage does not teach using a plurality of rollers which are rotatable relative to a lotion dispensing section having a compressible reservoir that allows lotion dispensing regardless of orientation, as recited in amended claim 1. Therefore, the combined teachings of Obagi and Sagi do not disclose using a plurality of rollers which are rotatable relative to a lotion dispensing section having a compressible reservoir that allows lotion dispensing regardless of orientation, as recited in amended claims 1.. Accordingly, It is respectfully submitted that as amended, claim 1 patentably defines over Obagi in view of Sagi, and is therefore allowable.

Claims 2-4, 10, and 11 depend from claim 1 and are allowable for at least the same reasons claim 1 is allowable, and for the specific limitations recited in each claim.

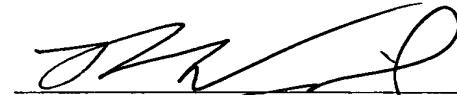
New Claims

New claim 22 incorporates the subject matter of allowable claim 8. It is therefore respectfully submitted that new claim 22 is also allowable.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



Richard S. Wesorick
Reg. No. 40,871

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, OH 44114
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294